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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/412,173	10/04/1999	MICHAEL H. COHEN	03932.P006X	9303

7590 11/18/2002

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EXAMINER

OPSASNICK, MICHAEL N

ART UNIT	PAPER NUMBER
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2655

DATE MAILED: 11/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

24

Office Action Summary

Application No.

09/412,173

Applicant(s)

COHEN ET AL.

Examiner

Michael N. Opsasnick

Art Unit

2655

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-42, 45, 46 and 50-60 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 24-42, 45, 46 and 50-60 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 24-42,45,46 and 50-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balakrishnan (6233559) in view of Imielinski et al (6240448).

As per claims 24,26,27,33,34,45,46,50,52,56 and 60, Balakrishnan (6233559) teaches providing user information into a speech enabled system (abstract, Fig. 4, Fig. 5), with applications leading to a network (col. 4 lines 1-16). Balakrishnan (6233559) also teaches a method of facilitating interaction between a human user and a processing system, the method comprising (as voice recognition interactive computer system (col. 2 lines 44-53): “receiving.....processing system” as receiving input speech an information (col. 4 lines 18-37); “using the information.....processing system” as using the recognized speech to determine which application (col. 4 lines 51-67); Balakrishnan (6233559) also teaches “using the information to optimize.....processing system” as optimizing the recognition for certain software, and thereby limiting the amount of

Art Unit: 2655

recognized speech (col. 4 lines 17-50); Balakrishnan (6233559) teaches reducing the number of possible speech command matches because of the predetermination of which application is being executed (col. 3 lines 35-60, col. 4 lines 35-65)

Balakrishnan (6233559) does not explicitly teach using the application in a plurality of interconnected speech enabled sites, however, Imielinski et al (6240448) teaches spoken command, audio enabled, web pages (abstract), and web servers interacting with the user, and other speech enabled sites. Therefore, it would have been obvious to one of ordinary skill in the art of speech recognition commands to expand the system of Balakrishnan (6233559) to included multiple interconnected speech enabled sites because it would advantageously allow the applications to be used in multiple user setup (Imielinski et al (6240448) col. 2 lines 20-61).

As per claims 25,29,32,41,51, 57, Balakrishnan (6233559) teaches optimizing the spoken dialogue by limiting it to a certain application (col. 4 lines 30-66).

As per claims 40, Imielinski et al (6240448) teaches a voice browser for speech audio applications (col. 2 lines 29-61)

As per claims 28, and 42, Imielinski et al (6240448) teaches the server containing information about the user (col. 2 lines 44-61)

Art Unit: 2655

As per claims 31, and 53, Imielinski et al (6240448) teaches brokering the information with respected to the speech enable sites (col. 6 lines 23-52)

As per claims 30,35,54, and 58, Imielinski et al (6240448) teaches selectively providing the plurality of interconnected speech enabled sites (col. 2 lines 30-60, col. 6 lines 25-50)

As per claims 36,37,55, and 59, Imielinski et al (6240448) teaches server based verification access (col. 5 lines 29-40)

As per claims 38, and 39, Imielinski et al (6240448) teaches directly contacted speech enabled sites on a network (col. 6 lines 45-53)

Response to Arguments

3. Applicant's arguments filed 8/28/2002 have been fully considered but they are not persuasive. As per applicant's arguments pertaining to the references separately, examiner argues that the combination of Balakrishnan (6233559) in view of Imielinski et al (6240448) teaches a speech enabled system, with applications leading to a network, facilitating interaction between a human user and a processing system, receiving input speech information, using the recognized speech to determine the application, expanded into a spoken command, audio enabled, web pages, and web servers interacting with the user, and other speech enabled sites that include voice browsers for speech audio applications, brokering the information with respected

Art Unit: 2655

to the speech enable sites, a plurality of interconnected speech enabled sites, with server based verification access. Furthermore, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

As per the arguments presented from pp. 6-8 of the response, Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 2655

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

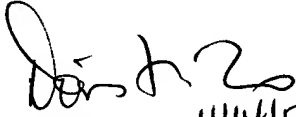
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (703)305-4089, who is available Tuesday-Thursday, 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Doris To, can be reached at (703)305-4827. The facsimile phone number for this group is (703)872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

mno

11/7/2002


DORIS H. TO 11/14/02
PRIMARY EXAMINER